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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187906
Party	Plaintiff University of Wyoming
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Signature	/Allison M. Scott/
Date	06/23/2010
Attachments	2010.06.23 Wyoming Unopposed Motion to Suspend Proceeding Pending .PDF ( 4 pages )(14877 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

UNIVERSITY OF WYOMING,	)	
	)	
	)	
	)	
v.                      Opposer,	)	
	)	In the matter of Application
	)	Serial No. 77/383,001
	)	for the mark COWBOYADE
	)	Opposition No. 91187906
SUPER BAKERY, INC.,	)	
	)	
	)	
Applicant.	)	

**OPPOSER’S UNOPPOSED MOTION TO SUSPEND PROCEEDING**

Pursuant to 37 C.F.R. § 2.117(c) and TBMP § 510.02(a), Opposer University of Wyoming (the “University”) moves to suspend the above-referenced proceeding pending the Board’s disposition of the below opposition matters:

- (1)     *Air Force Acad. Athletic Assoc. v. Super Bakery, Inc.*, Opposition No. 91187921 (TM: FALCONADE);
- (2)     *Bd. of Regents of the Univ. of Wisc. Sys. v. Super Bakery, Inc.*, Opposition No. 91187920 (TM: BADGERADE);
- (3)     *Boise State Univ. v. Super Bakery, Inc.*, Opposition No. 91187905 (TM: BRONCOADE);
- (4)     *Kan. State Univ. v. Super Bakery, Inc.*, Opposition No. 91187927 (TM: CATADE);
- (5)     *Okla. State Univ. v. Super Bakery, Inc.*, Opposition No. 91187908 (TM: COWBOYADE);

- (6) *Regents of the Univ. of Mich. v. Super Bakery, Inc.*, Opposition No. 91187907 (TM: WOLVERINADE);
- (7) *Univ. of Ga. Athletic Assoc., Inc. v. Super Bakery, Inc.*, Opposition No. 91187796 (TM: BULLDOGADE); and
- (8) *Univ. of Notre Dame du Lac v. Super Bakery, Inc.*, Opposition No. 91187917 (TM: IRISHADE).

Under Trademark Law 2.117(c), the Board may, in its discretion, suspend proceedings pending the resolution of a related case, “[w]henver it shall come to the attention of the [Board] that a party or parties to a pending case are engaged in . . . another Board proceeding which may have a bearing on the case.” As the wording of this Rule plainly states, the “related proceeding” need not involve the same parties in order for suspension to be granted. Indeed, in *Argo & Co. v. Carpetsheen Manufacturing, Inc.*, the Board granted a motion to suspend opposition proceedings despite the fact that opposer was not involved in a related state litigation. 187 U.S.P.Q. 366, 367 (T.T.A.B. 1975); *see also* TBMP § 510.02(a).

Here, the University and the eight above-referenced universities have all filed separate opposition actions against Applicant Super Bakery, Inc.’s (“Applicant”) applications to register the marks described above. The proceedings are similar in that Super Bakery, Inc. is the applicant in all of the oppositions. Moreover, the marks at issue are similar in that they all include mascot names plus the ADE suffix for use in connection with a sports drink. While the disposition of each of these eight proceedings is not necessarily determinative of the issues in this opposition, each could have a bearing on the parties’ claims and defenses in the current opposition. *See Argo & Co.*, 187 U.S.P.Q. at 367 (state court proceeding found to have bearing on issues involved in opposition where determination of state action could potentially result in

applicant's right to file the application being declared *void ab initio*). Accordingly, the University submits this unopposed motion to suspend the instant action pending the disposition of the eight above-referenced proceedings.

Counsel for Applicant, David Oberdick, advised that Applicant does not oppose this motion via e-mail correspondence to counsel for Opposer, Alicia Grahm Jones, on June 23, 2010.

This 23rd day of June, 2010.

Respectfully submitted,

/s/Allison M. Scott

R. Charles Henn Jr.

Alicia Grahm Jones

Allison M. Scott

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*Attorneys for Opposer*

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SUPER BAKERY, INC.,	)	
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Applicant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Opposer's Unopposed Motion to Suspend Proceeding** has been served on counsel for Applicant by mailing a copy on June 23, 2010, via first-class mail, postage pre-paid, and addressed as follows:

David G. Oberdick, Esq.  
Meyer, Unkovic & Scott LLP  
535 Smithfield Street, Suite 1300  
Pittsburgh, PA 15222

\_\_\_\_\_  
/s/Allison M. Scott  
Allison M. Scott  
*Attorney for Opposer*

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that a true copy of the foregoing **Opposer's Unopposed Motion to Suspend Proceeding** is being filed electronically with the TTAB via ESTTA on this day, June 23, 2010.

\_\_\_\_\_  
/s/Allison M. Scott  
Allison M. Scott  
*Attorney for Opposer*